

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF OKLAHOMA

LYNN R. WOODS GASTON,)	
)	
Plaintiff,)	
)	
vs.)	Case Number CIV-07-1400-C
)	
SEQUOYAH ENTERPRISES, INC.,)	
)	
Defendant.)	

MEMORANDUM OPINION AND ORDER

Pursuant to the Court's November 19, 2008, Order granting Sequoyah's Motion to Compel and awarding it reasonable attorneys' fees and costs, Sequoyah has submitted a motion requesting fees in the amount of \$562.50. In support of its motion, Sequoyah has attached the affidavit from counsel outlining the hours expended on the motion and the hourly rate charged. The affidavit also indicates that the amount sought by Sequoyah's counsel in this matter is equal to the amount charged to Sequoyah for the Motion to Compel. Upon review of the affidavit and the assertions set forth therein, the Court finds that the fees sought are reasonable and were necessary for the proper handling of the motion to compel. Plaintiff has not filed a proper response, but rather has mailed a letter to the undersigned complaining of the conduct of Sequoyah's counsel and renewing her request for appointment of counsel to represent her in this matter. The Court finds that none of the allegations set forth by Plaintiff in her letter warrant reconsideration of the Court's decision to award Sequoyah its attorneys' fees in this matter.

The Court has, on numerous occasions, made clear to Plaintiff her obligations in pursuing this matter, including adhering to the Federal Rules of Civil Procedure and the local rules of this Court. Plaintiff's proposed manner for responding to the interrogatories and requests for production did not comply with either set of rules. Hence, the Court found Defendant was entitled to recover the attorneys' fees expended in obtaining proper responses from Plaintiff.

As for Plaintiff's renewed request that the Court appoint her counsel, the Court directs Plaintiff's attention to its January 22, 2008, Order denying her initial request for counsel. In that Order the Court set forth the prerequisites set out by the controlling law in this jurisdiction for the appointment of counsel in a civil matter. To date, Plaintiff has failed to make any meaningful effort to apprise the Court of her position in regard to those circumstances.

For the reasons set forth herein, Defendant's Motion for Attorneys' Fees (Dkt. No. 53) is GRANTED. Defendant is awarded its attorneys' fees in the amount of \$562.50. Plaintiff's request for appointment of counsel is DENIED.

IT IS SO ORDERED this 23rd day of December, 2008.


ROBIN J. CAUTHRON
United States District Judge